S. Redlich S-3 (no date) 1936 EG1 Albania EG1

646 who is in full possession of all his citizenship rights and can read and write the Albanian language, may be elected as a deputy.

641 All citizens are equal before the law and their citizenship and political rights secured.

645 Confiscation of property is definitely abolished.

659 The State recognizes no official religion, all religions are equal and have full rights and receive equally favorable treatment in every respect.

641 Foreigners enjoy equal rights with Albanian citizens, except they cannot vote nor hold parliamentary and certain other offices.

645 The official business of the State is carried on by the eight Ministries, namely: Ministry of Interior Affairs (Ministria e Punëve të Brëndëshme), Ministry of Justice (Ministria e Drejtësisë), Ministry for Foreign Affairs (Ministria e Punëve të Jashtme), Ministry of Public Instructions (Ministria e Arësimit), Ministry of Finance (Ministria e Financave), Ministry of National Economy (Ministria e Ekonomisë Kombëtare), Ministry of Public Works (Ministria e Punëve Botore), and Ministry of National Defense (Ministria Komonda e Përgjithshme e Mprojtjes Kombëtare).

PEAKS OF SHALA

Lulash. The fireplace was full of bubbling pots and sizzling pans; the padre, helped informally by whoever happened to be nearest, was preparing our luncheon. My dilemma was announced; I stood before them shoeless. A boy ran at once across the village and returned streaming, as though he had been in a river, bringing two pieces of goatskin, tanned with the soft brown hair on it.

To the eager interest of everyone, I set my feet on the pieces, and there were many exclamations of wonder at their smallness and at the curious shape of them, the toes so close together and making a point, instead of arching, each one separately, as the toes of their people do, and they would have been glad to examine them more closely—asking one another, as Rexh explained, if I would or would not take off the strangely woven stockings later. Meanwhile the boy with a nail drew the outlines of my feet on the leather and went away with it to his house, where the opangi would be made.

While this was happening the older men of the tribe went back to the cold bedroom with Perolli, each one adding his own *besa* of loyalty to the one Lulash had sworn, and asking many questions about the aims and strength of the Tirana government. They would not yet call it the Albanian government; they could not comprehend the idea of the state, so familiar to us that we never examine it. "Government" meant to them not only the consent of the governed, but the active participation of everyone in govern-

[men from village of Thethis-- [153] Analyst]

6: Lane T-3 (no date) 1923 EGl Albania EGl

641-829 ing; they had, indeed, no conception of what we mean by "government." When they say "government" they mean what we mean when we say, in a group, "Well, now we're all agreed, let's go on and do it."

185 Perolli spent that morning—and indeed most of his time in the few succeeding days that we were together—trying to explain the idea of a representative government to these simple communist people. And he told us that within six weeks the Albanian government would really come up into the mountains. The plan was to begin by sending into the tribes men from Tirana who could read and write; they would be connecting links between Tirana and the tribes, sitting in all the tribal councils, making reports to Tirana and explaining the wishes of the Tirana parliament to the mountaineers.

∞ These men would bring in with them, of course, the private-property ideas of southern Albania (which is just changing from the feudal system to modern capitalism), and I felt a regret, purely romantic, perhaps, at the inevitable disappearance of this last surviving remnant of the Aryan primitive communism in which our own forefathers lived, and at the replacing of Lulash by men like our politicians. I am a conservative, even a reactionary; I should like to keep the Albanian mountains what they are. But no one can stop the changes in human affairs; the eternal swing of the pendulum goes on; we have shop stewards in England and a Plumb plan in

[Constitution]

Private property may be limited, and when the general welfare of the community calls for it, it may be expropriated by a law, which shall provide in each case what the amount of compensation shall be to the owner. 421 [425]

Likewise other branches of economy or enterprises may also be nationalized whenever the interest of the people demands or requires it. 471

Monopolies, trusts, cartels, etc., created for the purpose of imposing prices and monopolizing markets to the detriment of national economy, are prohibited.

ARTICLE 10

The land belongs to those who till it. The conditions under which an institution or a person can own land which they do not cultivate shall be established by law. 423

Large estates may under no circumstances be owned by private individuals.

The maximum amount of land that may be owned individually is determined by law.

The state especially favors and protects the small and middle peasants by its economic policy, by means of credit, and by its taxation system. 652

ARTICLE 11

The state, by means of economic and other measures, encourages the working classes to unite and organize themselves against economic exploitation. 466

The state protects the workers by guaranteeing them the right to organize, by limiting their hours of work, and by establishing minimum wages. The state supports the workers by means of social security laws and vacations with pay at the expense of the employers.

The state especially protects minors by regulating their employment. 464

TITLE III

Rights and Duties of Citizens

ARTICLE 12

All citizens are equal before the law. They must obey the Constitution and all laws of the land. 641

[Constitution]

641 No privilege because of family, position in life, wealth,
554 or cultural level is recognized.

ARTICLE 13

[563] All citizens are equal regardless of nationality, race, or
[659] religion. Any act which grants privileges or takes away rights from any citizen because of nationality, race, or religion is unconstitutional and carries with it punishments as provided by law. It is unconstitutional and punishable by law to stir up hatred and dissension among nationalities, races, or religions.

ARTICLE 14

666 All citizens who have reached the age of eighteen are
641 eligible to elect and be elected in all organs of state, regardless of sex, nationality, race, creed, cultural level, or residence.

Members of the armed forces also have these rights.

The right to vote is universal, equal, direct, and secret.

The right to vote is forfeited by those who have been disqualified by law.

ARTICLE 15

562 Women are equal to men in all walks of life, private, political, or social.

Women shall receive the same pay as men for the same work. And women have similar rights with regard to social security.

745 The government especially protects the interests of mothers and young children, by assuring vacations with pay before and after childbirth and also by building maternity hospitals and nurseries.

ARTICLE 16

659 Freedom of conscience and religion is guaranteed to all citizens.

The church is separated from the state.

Religious communities are free to exercise and practice their creeds.

[Constitution]

It is forbidden to use the church and religion for political purposes. 659

Likewise, political organizations based on religion are also forbidden.

The state may assist religious communities materially.

ARTICLE 17

Marriage and family are protected by the state. The legal conditions of marriage and family are fixed by law. 585

Legal marriages can be performed only by competent representatives of the government. After celebrating a civil marriage a citizen may celebrate a religious marriage according to the rules of his creed.

The courts of the state only are competent to determine all questions concerning marriage. [692]

Parents have the same obligations towards their illegitimate children as to those born in wedlock. Illegitimate children have the same rights as those born in wedlock. [848]

ARTICLE 18

Freedom of speech, freedom of press, freedom of organization, freedom of assembly and of public demonstration. are guaranteed to all citizens. 641

ARTICLE 19

Personal inviolability is guaranteed to all citizens. Nobody can be arrested for more than three days without a court warrant or without the approval of the district attorney. 671 641 [694]

No person shall be punished for a crime without the decision of a competent judge in conformity with the law which defines the crime and the competence of the court.

No punishment shall be determined and inflicted except as prescribed by law.

No person shall be punished without a hearing nor without being summoned to defend himself according to law, except in a case where his absence is legally established.

The administrative organs of the state may give jail sentences for common law misdemeanors as prescribed by law.

[Constitution]

671 No citizens may be exiled or interned within the state
641 except as prescribed by law.

The People's Republic of Albania protects the rights of its citizens in foreign lands.

ARTICLE 20

694 A home cannot be violated.

No person can enter a house and search it against the wishes of the owner, except when he holds a court order in his hands.

No search can be made except in the presence of two witnesses. The owner of the house also has a right to be present.

ARTICLE 21

205 The secrecy of mail and other correspondence cannot be violated except in cases of criminal investigations, military mobilization, or state of war.

ARTICLE 22

461 In the People's Republic of Albania work is a privilege and a duty.

Every citizen has a right to be paid according to his work and to receive from society as much as he gives to it.

ARTICLE 23

641 All citizens have a right to be employed in government work according to specific regulations laid down by law.

Citizens appointed or elected to public office are bound to perform their duties conscientiously.

ARTICLE 24

[729] It is the duty of the state to adequately support disabled
657 soldiers at public expense and to enable them to resume their work. The state shall support the families of those who died in battle and of all war victims.

ARTICLE 25

The state takes care of the health of the people by organizing and controlling health service, hospitals, and sanatoriums.

[Constitution]

ARTICLE 26

The state takes care of the physical education of the people, especially that of the youth, with a view to improving health and increasing the capacity of the people for work and the defense of the state. 657

ARTICLE 27

Freedom of scientific and artistic work is guaranteed. The state promotes science and the arts in such a way as to further the culture and welfare of the public. 517

The rights of authors are protected by law.

ARTICLE 28

In order to raise the cultural level, the state gives to all classes of people every chance to attend schools and other cultural institutions. 871

The state is particularly interested in the education of youth.

Minors are protected by law. [858]

The schools belong to the state. Private schools can be opened only by special permission. All their activities are supervised by the state. Elementary education is free and obligatory.

Schools are separated from the church.

ARTICLE 29

Citizens have the right to petition state organs for redress of wrongs. 641

Citizens have the right to complain against any illegal or irregular decision of an administrative organ of the state.

ARTICLE 30

Every citizen can complain in competent courts against officials who have acted unjustly in the discharge of their duty.

ARTICLE 31

Citizens are entitled to seek from the state or from an official compensation for damages incurred as a result of illegal or irregular punishment. 695

[Constitution]

ARTICLE 32

641 Defense of the country is the highest duty and greatest privilege of any citizen.

[687] Treachery against the people is the greatest crime.

Military service is obligatory for all citizens.

ARTICLE 33

651 Every citizen must pay taxes according to his income.

The state fixes taxes, and exemption from the same is determined by law.

ARTICLE 34

687 Citizens cannot use the rights given them by this constitution in order to change the constitutional regime of the People's Republic of Albania in an undemocratic manner. Any act of this kind is illegal and carries with it punishment as prescribed by law.

ARTICLE 35

563 In the People's Republic of Albania national minorities enjoy all the rights enjoyed by other citizens as well as freedom to use their own language and develop their own culture.

ARTICLE 36

641 The People's Republic of Albania gives the right of refuge to citizens of other countries who are persecuted for their activities in behalf of democracy, national liberation, rights of the workers, or scientific and cultural freedom.

PART TWO
STATE ORGANIZATIONS

TITLE I
Highest Organs of the State

646 (a) People's Convention

ARTICLE 37

The People's Convention (Parliament) is the highest organ of the state of the People's Republic of Albania.

ARTICLE 38

The People's Convention maintains the sovereignty of the

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

loss of face. At Krujë in 1930 when the authorities sought to punish a man who had murdered his brother during a quarrel, the widow swore that the pistol had gone off accidentally when her brother-in-law was trying to wrest it from her husband, who had threatened suicide. Having thus prevented the authorities from taking action, the widow made no effort to keep the true story of the murder quiet, but repeated it every day during the month when the women met for the ceremonial 'keening'. She was also openly commended by the public for preventing the government from shaming her husband's family by arresting the murderer.

Exceptionally, if the murderer's motive was bad by tribal standards, his relative was well avenged. For instance, if a man killed his cousin or nephew to get his land, the crime was considered so anti-social that the murderer was killed by the community, his blood was lost, and his family expelled. Again, exceptionally, a motive might be so good by tribal standards as to win the murderer public admiration. Thus children in Shalë were taught with great pride that once a tribesman killed his brother for killing a guest, for an Albanian's duty to his guest transcends the claims of blood relationship.

Two modifications of the general rule are to be noted. In Mirditë in spite of the victim's blood being lost, the murderer had to pay the tribe the fine due in cases of ordinary murder, 100 rams and an ox. In the Malësi e Madhe if the two brothers had separated the fratricide had to pay blood money to his brother's dependants. If the widow had no children, she took all the money; if she had a daughter only, she again took it all, for when the time came for the girl to marry, she would as 'head of the family' have to pay the wedding expenses; if she had a son, he took all the money, for his father's death had made him head of the family. The blood money was therefore alimony payable to the widow and orphans who had been robbed of their breadwinner. If the two brothers had not separated, the fratricide as a matter of course supported the widow and orphans along with the other members of his household and the question of alimony did not arise.

Parricide was thought the most abhorrent of all murders within the family. In a sense a father had the right to kill his son without being asked by anybody what he had done, but a son unnatural enough to kill his father could surely not have been got by that father, but must be a bastard. Even where his crime was regarded

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

he found it to his interest to stay away permanently. If he found the climate or the soil of his new home kindlier, he might sell his paternal holding through an intermediary and with the proceeds buy land in his new home. Before he ran away, he had probably sent his wife to her parents, who no doubt lived in another village. There he visited her at intervals until he was installed in his new property, when he sent for her and their children, if any. A voluntary exile, it may be added, was content to leave his wife in his brother's charge; a compulsory exile took her with him. Good examples of voluntary exiles turned permanent from motives of advantage are provided by the many Bojdan families from Bicaj in Lumë, who in recent centuries involved themselves in blood feuds and fled to Kosovë. Their feuds were compounded in every instance, but the greater fertility in Kosovë was not to be resisted. To-day their descendants live scattered as far apart as Kaçanik and Blacë, near Skoplje. They still preserve memories of their kinship one with another and with Bicaj; in fact, till the break-up of the Turkish empire in Europe after the Balkan wars interposed new frontiers between the Albanian lands, they made occasional pilgrimages to the homes of their ancestors in Bicaj.

Sometimes an exiled murderer set up a small business, selling cigarettes and cleaning shoes, and made money as he could never have done in his mountain village. Sometimes, too, he entered the service of a rich man and in return for his devotion was given a grant of land.

The emergence of a central government which punished murder tended to increase the number of permanent exiles and to make the strong as well as the weak run away. An Albanian would face boldly enough the vengeance of his victim's relatives, but he detested being imprisoned by the government. A man of Bashabun, near Elbasan, killed a neighbour years ago. Blood money was paid, and so far as his victim's family was concerned, he was free to return home. Unwilling, however, to serve the short term of imprisonment to which the government would condemn him, he remained in exile in Bosnia. A Milot murderer remained in exile after the payment of blood money had closed the feud, because he feared imprisonment by the government. In an accidental meeting with his victim's brother, both forgot the closing of the feud and shot at each other, the brother killing the murderer. Then only the taking of the oath with twenty-four men cleared him from the

10:Hasluck F-5 (1926-1939)1954 EGl Albania EGl

accusation of taking government money to kill the murderer after he had taken blood money from the family.

The same fear of government action was at work in Kosovë, a province largely populated by Albanians but assigned to Yugoslavia after the Turkish empire broke up in 1912. A steady drift towards Albania proper went on among the Kosovars. Some were impelled by land hunger to go and take up the free land which the Albanian government had offered them; others came to evade Yugoslav justice. By contrast with the Albanian government, which did not yet punish severely homicide that was justifiable by tribal law, the Yugoslav government hanged most murderers. To avoid this ignominy, a Kosovar murderer preferred to emigrate, lock, stock and barrel, to Albania. Most interestingly, this emigration was the ebb of the tide that within recent centuries peopled Kosovë with Albanians.

Sometimes a murderer did not run away of his own accord, but was forcibly expelled by the community. Although when murder was not punished by government, only the weak ran away voluntarily, the community expelled a strong man as readily as a weak one. In tribal districts like Mirditë which contained several villages, the murderer's village could not expel him without the other villages' consent and help. If the village resisted the expulsion, the tribe as a whole had the right to 'proclaim' the village or to call in other tribes to bring it to reason. In small tribes like Nikaj the murderer's kinsmen could expel him independently of the tribe. In non-tribal districts like Shpat, where each village was a self-contained unit, it needed to ask no one before expelling a murderer.

A man sentenced to communal expulsion was always one whose crime struck at the roots of society as understood in the mountains. Perhaps he had violated the acknowledged sanctity of the 'pledged word' by killing his enemy during a public truce or even after making peace with him. Perhaps he had infringed the sacred laws of hospitality by killing his host or guest. Perhaps he threatened family solidarity by killing a cousin to get his land. Perhaps he had killed a man to steal his rifle and thereby as good as robbed him of his manhood, for a man without a rifle is as nothing, no better than a woman. Perhaps he had committed sacrilege by killing someone, possibly the priest himself, inside the territory of church or mosque, or by breaking into the church to steal.

2:Edmonds T-3 (1926?) 1927 E13 Balkan Peoples
Albania EG-1

From Podgoriča to Scutari

made it necessary for me to alight and push—getting thoroughly splashed by the whizzing wheels while doing so—and when at last, after almost superhuman exertions, we gained the main road, the radiator was steaming like a house on fire, and so was I. Further on a river barred our way, but a crude ferry worked by a wire rope was plying across the deepest part. Albanians, wearing the jackets with black fringes and black woollen bosses, by which I afterwards learned to distinguish the Ghegs from the Toscs (the two main divisions of the population) waded waist-high in the stream and manœuvred us to a spot whence we were able to drive through the flood in two or three feet of water and reach the roadway on the other side.

We travelled on through level country where the fields were green with crops and gay with scarlet poppies. Here and there I saw men, in the white clothing of the Albanian peasant, carrying rifles, and I remembered the tales I had heard of Albanians working in the fields with rifles slung at their backs. The custom still survives, but only in the mountainous country north of Scutari where lawlessness is rife and weapons have to be carried for protection. Elsewhere the law forbidding the carrying of firearms is strictly enforced, and armed peasants working in the fields are no longer seen. In fact, I was told that those I saw near Scutari were probably civilian police who assist the regular police in keeping order and are only on this account permitted to carry arms.

The rain had stopped and the setting sun was shining